

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

B.W.P. DISTRIBUTORS, INC.,

Plaintiff,

V.

OE PLUS, LTD.,

Defendant.

Civil Action No. 07-CV-3588

**COMPENDIUM OF NON-NEW YORK AND
UNPUBLISHED DECISIONS IN SUPPORT OF
DEFENDANT/COUNTERCLAIM-PLAINTIFF OE PLUS
LTD.'S OPPOSITION TO PLAINTIFF/COUNTERCLAIM-
DEFENDANT'S MOTION TO DISMISS COUNTERCLAIM**

OE PLUS, LTD.,

By its attorneys,

Kevin J. Lesinski

Kevin J. Lesinski (Admitted *Pro Hac Vice*)

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Dated: May 7, 2008

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1. *Anthony's Pier Four, Inc. v. HBC Associates*, 411 Mass. 451 (1991)
2. *Blue Hills Office Park LLC v. J.P. Morgan Chase Bank*, 477 F. Supp. 2d 366 (D. Mass. 2007)
3. *Commercial Union Insurance Co. v. Seven Provinces Insurance Co., Ltd.*, 217 F.3d 33 (1st Cir. 2000)
4. *Delano Growers' Co-op. Winery v. Supreme Wine Co.*, 393 Mass. 666 (1985)
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17. *Novacore Techs., Inc. v. GST Commc'ns Corp.*, 20 F. Supp. 2d 169 (D. Mass. 1998)
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23. *Schwartz v. Travelers Indemnity Co.*, 50 Mass.App.Ct. 672 (2001)
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28. *U.S. Funding, Inc. of America v. Bank of Boston Corp.*, 28 Mass. App. Ct. 404 (1990)
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30. *Wayne Investment, Inc. v. Gulf Oil Corp.*, 739 F.2d 11 (1st Cir. 1984)
31. *Whitinsville Plaza, Inc. v. Kotseas*, 378 Mass. 85 (1979)
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